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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,266	04/03/2001	Kim F. Storm	08204/0203163-US0	7388
38878	7590	06/05/2007	EXAMINER	
F5 Networks, Inc. c/o DARBY & DARBY P.C. P.O. BOX 770 Church Street Station NEW YORK, NY 10008-0770			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	
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			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/826,266

Applicant(s)

STORM, KIM F.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 19-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/5/2007
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 12-18 are subject to examination. Claims 1-11 and 19-29 are withdrawn.

Response to Arguments

2. Applicant's remarks/arguments dated 3/5/2007 with respect to claims 12-18 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the applicant's amendment. Note: The scope of the claimed subject matter of the amended claims 12-18, dated 3/5/2007, is narrower as compared to the scope of the claimed subject matter of previously presented claims 12-18 that were rejected in the previous office action dated 12/6/2006. The remarks/arguments dated 3/5/2007, contain arguments regarding the amended independent claim 12 and new arts are used for the rejection of the amended independent claim.

Specification

3. The clarification regarding the "direct access module" in the remarks dated 3/5/2007 is acknowledged. Hence, the objection of the specification of the previous office action dated 12/6/2006 is withdrawn.

Drawings

4. The clarification regarding the "direct access module" in the remarks dated 3/5/2007 is acknowledged. Hence, the objection of the drawings of the previous office action dated 12/6/2006 is withdrawn.

Information Disclosure Statement

5. An initialed and dated copy of the applicant's IDS form 1449, paper dated 3/5/2007, is attached to the instant Office action.

Claim Objections

6. The amendment to the claims and the clarification regarding the objected claims 12 and 16 in the remarks dated 3/5/2007 is acknowledged. Hence, the claim objections of the previous office action dated 12/6/2006 are withdrawn.

Claim Rejections - 35 USC § 112

7. The amendment to the claims and the clarification regarding the claims 12-18 rejected under 35 U.S.C 112 rejections in the remarks dated 3/5/2007 is acknowledged. Hence, the claim rejections under 35 U.S.C. 112 of the previous office action dated 12/6/2006 are withdrawn.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai et al., 6,697,360, Cisco (Hereinafter Gai-Cisco) in view of Oran et al., 6,204,084, Cisco (Hereinafter Oran-Cisco).

10. As per claim 12, Gai-Cisco discloses **a system** comprising (usage of a computer network with servers, switches, network devices, intermediate devices col., 6, lines 55 – 67):

a network element including a module (usage of network device with module to be auto configured with IP subnet / IP address, col., 5, lines 33 – 59); **and a management node** (usage of server / switch assigning IP address to the network device and which monitors the network devices, col., 5, line 49 – col., 6, line 18) **residing at a same physical subnet as the network element** (usage of the local area network to which the network device and the server / switch belong to, col., 6, lines 55 – 67, usage of same subnet by the network device and the server / switch, col., 14, lines 29 – 54), **the management node comprising computer executable instructions that if executed perform actions** (usage of the server / switch to force / reassign IP address / allocate new subnet / reconfigure the network device, col., 15, line 55 – col., 16, line 42, col., 11, lines 13 – 30, col., 7, lines 1-28) **including:**

forcing the network element to have an IP address (forcing the network device to have a new IP address for the allocated new subnet, col., 15, line 55 – col., 16, line 42, col., 11, lines 13 – 30, col., 7, lines 1-28) **within an access range of the management node** (within the subnet range of the server / switch, col., 15, line 55 – col., 16, line 42, col., 11, lines 13 – 30, col., 7, lines 1-28) **by broadcasting a broadcast frame** (usage of broadcasting frames and polling, col., 7, line 55 – col., 8, line 39, col., 11, lines 13 – 30, col., 6, lines 55 – 67) **to the module without reconfiguring the management node** (without the server / switch reconfigured and

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reconfiguring the network device, col., 15, line 55 – col., 16, line 42, col., 11, lines 13 – 30, col., 7, lines 1-28).

However, Gai-Cisco does not specifically mention that the module handles direct internet protocol.

Oran-Cisco discloses the well-known concept of **the module handing direct internet protocol** (col., 1, lines 25 – 43, col., 3, lines 13 – 44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco with the teachings of Oran-Cisco in order to facilitate usage of the direct internet protocol module because it would enhance handling IP protocol packets. The well-known concept of handling the packets using the direct internet protocol would avoid relying on other network devices for performing packet processing and would support handling timely processing of network traffic (col., 1, lines 25 – 43, col., 3, lines 13 – 44).

Note: Claim 12 contains, “if executed perform actions including”, in which usage of “if” is a conditional statement for the limitations.

Note: Regarding the applicant’s usage of “wherein” and/or “whereby” in the claimed subject matter of the claims, the claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Please see *Minton v. Nat ’l Ass ’n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)), MPEP 2111.

Note: The specification of this application under prosecution, paragraph 18 states, “In the foregoing specification, the invention has been described with reference to specific embodiments thereof. It will, however, be evident that various modifications and changes can be made thereto without departing from the broader spirit and scope of the invention as set forth in the appended claims. The specification and drawings are, accordingly, to be regarded in an illustrative rather than a restrictive sense”.

11. As per claim 13, Gai-Cisco and Oran-Cisco discloses the claimed limitations as rejected under claim 12. Gai-Cisco also discloses **wherein the management node and the network element are coupled together by an Ethernet connection** (usage of Ethernet for connecting the network device and the server / switch, col., 2, lines 6 – 20, col., 7, lines 55 – 67).

12. Referring to claim 18, Gai-Cisco and Oran-Cisco disclose the claimed limitations as rejected under claim 12. Gai-Cisco also discloses **wherein the management node uses higher level protocols** (usage of TCP, UDP protocols, col., 2, lines 6 – 20, col., 7, lines 5 - 25) **to manage the network element immediately after forcing the address** (usage of server, switch and WAN to manage and monitor the network device after new IP address is forced/assigned, col., 15, line 55 – col., 16, line 42, col., 11, lines 13 – 30, col., 7, lines 1-28).

13. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-IBM).

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14. Referring to claim 14, Gai-Cisco and Oran-Cisco discloses the claimed limitations as rejected under claim 12. However, Gai-Cisco and Oran-Cisco do not specifically mention about usage of a packet filter to snoop packets arriving at a hardware layer of a protocol stack.

Ullmann-IBM discloses the well-known concept of having a packet filter to snoop packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Ullmann-IBM in order to facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack because the filter would support defining parameters for the types and sizes of the packets to be snooped such as all packets associated with particular endpoints or only certain types of packets. The handling of the parameters of the packets would support processing the information contained in the packets.

15. Referring to claim 17, Gai-Cisco and Oran-Cisco disclose the claimed limitations as rejected under claim 12. However, Gai-Cisco and Oran-Cisco do not specifically mention the module receives frames directed to a predefined port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152, figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Ullmann-IBM in order to facilitate having a module to receive frames directed to a predefined port

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independent of a protocol address because the port would support providing content of the frames to the module regarding the protocol address. The protocol address would support communicating information to the network device.

16. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-Texas).

17. Referring to claims 15 and 16, Gai-Cisco and Oran-Cisco disclose the claimed limitations as rejected under claim 12. Oran-Cisco also discloses usage of different ports for Ethernet connection and WAN (internet) and leasing IP address for predetermined amount of time and not forcing new IP address during the lease time col., 9, lines 47 – 67. However, Gai-Cisco and Oran-Cisco do not specifically mention about an external port and an internal port, wherein the direct access module is only enabled on the internal port, wherein the direct access module is disabled a finite predetermined amount of time after power up.

Fuoco-Texas discloses usage of **an external port and an internal port** (e.g., col., 1, lines 32 - 67), **wherein the direct access module is only enabled on the internal port** (e.g., figures 1, 3, 10, col., 8, lines 33 - 58), **wherein the direct access module is disabled a finite predetermined amount of time of time after power up** (e.g., figures 1, 3, 10, col., 8, lines 33 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Fuoco-Texas in order to facilitate usage of the internal port, the external port and the disabling a finite

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predetermined amount of time after power up because the external port would support communicating to the external devices. The internal port would support providing information to the network entity using internal connection. The well-known concept of disabling the module that is no longer required would support saving power. Upon power up the module would support assigning the IP address and after the IP address is assigned, the disabling of the module would support reducing overall power consumption of the network device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages


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and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Haresh Patel

Haresh Patel

May 27, 2007